

HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.2988 of 1989

Date of decision : 21.03.2007

Dr. Ram Parkash

.....Petitioner

versus

Hans Raj

.....Respondent

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Rahul Dhanotia, Advocate for the petitioner.

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ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned Courts below whereby the ejectment petition filed by the petitioner seeking ejectment of the tenant on the ground of non payment of rent and for change of user, was dismissed.

It has been rightly found by both the Courts below that the rate of rent cannot be said to be Rs.150/- per month. In fact, the tenant has proved the receipts of rent upto 10.10.1976 showing that the rate of rent was Rs.80/- per month. Thus, I do not find any merit in the argument raised by the learned counsel for the petitioner that the rate of rent was Rs.150/- per month.

The other ground to seek ejectment is that the tenant has changed the user of the premises. As per the landlord, the premises was let out for the purpose of cloth business, but the tenant has started manufacturing and selling the shoes in it. It has been found that the landlord has admitted that the tenant sells readymade shoes. It has been

further found that the premises was let out for the business purpose and is being used for business purpose, may be there is change of the work. It could not be pointed out that while leasing out the premises, it was agreed that the shop will be used for the sale of cloths business only.

Therefore, even the said finding cannot be said to be suffering from any patent illegality or irregularity which may warrant interference of this Court in exercise of its revisional jurisdiction.

The revision petition stands dismissed.

March 21, 2007

**mohinder*

**(HEMANT GUPTA)
JUDGE**